

PROPOSED COMMITTEE SUBSTITUTE FOR COMMITTEE PURPOSES

Bill No. 439

**COUNCIL/COMMITTEE ACTION**

ADOPTED ☐ (Y/N)  
ADOPTED AS AMENDED ☐ (Y/N)  
ADOPTED W/O OBJECTION ☐ (Y/N)  
FAILED TO ADOPT ☐ (Y/N)  
WITHDRAWN ☐ (Y/N)  
OTHER ☐

**Council/Committee hearing bill:** Military & Local Affairs Policy  
Committee

The Military & Local Affairs Policy Committee offered the  
following:

**Proposed Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to uniform traffic control; creating the  
"Mark Wandall Traffic Safety Act"; amending s. 316.003,  
F.S.; defining the term "traffic infraction detector";  
creating s. 316.0083, F.S.; creating the Mark Wandall  
Traffic Safety Program to be administered by the  
Department of Transportation; requiring a county or  
municipality to enact an ordinance in order to use a  
traffic infraction detector to identify a motor vehicle  
that fails to stop at a traffic control signal steady red  
light; requiring such detectors to meet department  
contract specifications; requiring authorization of a  
traffic infraction enforcement officer or a code  
enforcement officer to issue and enforce a ticket for such  
violation; requiring signage; requiring certain public  
awareness procedures; requiring the ordinance to establish

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a fine of a certain amount; requiring the ordinance to provide for installing, maintaining, and operating such detectors on rights-of-way owned or maintained by the Department of Transportation or the county; prohibiting additional charges; exempting emergency vehicles; providing that the registered owner of the motor vehicle involved in the violation is responsible and liable for payment of the fine assessed; providing exceptions; providing procedures for disposition and enforcement of tickets; providing for disposition of revenue collected; providing complaint procedures; providing for the Legislature to exclude a county or municipality from the program; requiring reports from participating municipalities and counties to the department; requiring the department to make reports to the Governor and the Legislature; amending s. 316.0745, F.S.; providing that traffic infraction detectors must meet certain specifications; providing for preexisting equipment; creating s. 316.0776, F.S.; providing for placement and installation of detectors on certain roads; amending s. 316.1967, F.S.; providing for inclusion of persons with outstanding violations in a list sent to the department for enforcement purposes; amending s. 395.4036, F.S.; providing for distribution of funds to trauma centers and certain hospitals; providing for severability; providing an effective date.

Section 1. This act may be cited as the "Mark Wandall Traffic Safety Act."

Section 2. Subsection (86) is added to section 316.003, Florida Statutes, to read:

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316.003 Definitions.--The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(86) TRAFFIC INFRACTION DETECTOR.--A vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light. Any ticket issued by the use of a traffic infraction detector must include a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated.

Section 3. Section 316.0083, Florida Statutes, is created to read:

316.0083 Mark Wandall Traffic Safety Program; administration; report.--

(1) There is created the Mark Wandall Traffic Safety Program governing the operation of traffic infraction detectors. The program shall be administered by the Department of Transportation and shall include the following provisions:

(a) In order to use a traffic infraction detector, a county or municipality must enact an ordinance that provides for the use of a traffic infraction detector to enforce s. 316.075(1)(c), which requires the driver of a vehicle to stop the vehicle when facing a traffic control signal steady red light on the streets and highways under the jurisdiction of the county or municipality. The traffic infraction detector must conform to the contract specifications adopted by the Department of Transportation under s. 316.0776. A county or municipality

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that operates a traffic infraction detector must authorize a traffic infraction enforcement officer or a code enforcement officer to issue a ticket for a violation of s. 316.075(1)(c) and to enforce the payment of the ticket for such violation. This paragraph does not authorize a traffic infraction enforcement officer or a code enforcement officer to carry a firearm or other weapon and does not authorize such an officer to make arrests. The ordinance must require signs to be posted at locations designated by the county or municipality providing notification that a traffic infraction detector may be in use. Such signage must conform to the specifications adopted by the Department of Transportation under s. 316.0745. The ordinance must provide for the county or municipality to install, maintain, and operate traffic infraction detectors on a right-of-way owned or maintained by the Department of Transportation or on a right-of-way owned or maintained by the county or municipality in which the traffic infraction detector is to be installed. The ordinance must also require that the county or municipality make a public announcement and conduct a public awareness campaign of the proposed use of traffic infraction detectors at least 30 days before commencing the enforcement program. In addition, the ordinance must establish a fine of \$150 to be assessed against the registered owner of a motor vehicle that fails to stop when facing a traffic control signal steady red light as determined through the use of a traffic infraction detector. Any other provision of law to the contrary notwithstanding, an additional surcharge, fee, or cost may not be added to the civil penalty authorized by this paragraph.

(b) When responding to an emergency call, an emergency vehicle is exempt from any ordinance enacted under this section.

(c) A county or municipality must adopt an ordinance under this section that provides for the use of a traffic infraction

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119 detector in order to impose a fine on the registered owner of a  
120 motor vehicle for a violation of s. 316.075(1)(c). The fine  
121 shall be imposed in the same manner and is subject to the same  
122 limitations as provided for parking violations under s.  
123 316.1967. Except as specifically provided in this section,  
124 chapter 318 and s. 322.27 do not apply to a violation of s.  
125 316.075(1)(c) for which a ticket has been issued under an  
126 ordinance enacted pursuant to this section. Enforcement of a  
127 ticket issued under the ordinance is not a conviction of the  
128 operator of the motor vehicle, may not be made a part of the  
129 driving record of the operator, and may not be used for purposes  
130 of setting motor vehicle insurance rates. Points under s. 322.27  
131 may not be assessed based upon such enforcement.

132 (d) The procedures set forth in s. 316.1967(2)-(5) apply  
133 to an ordinance enacted pursuant to this section, except that  
134 the ticket must contain the name and address of the person  
135 alleged to be liable as the registered owner of the motor  
136 vehicle involved in the violation, the tag number of the motor  
137 vehicle, the violation charged, a copy of the photographic image  
138 or images evidencing the violation, the location where the  
139 violation occurred, the date and time of the violation,  
140 information that identifies the device that recorded the  
141 violation, and a signed statement by a specifically trained  
142 technician employed by the agency or its contractor that, based  
143 on inspection of photographs or other recorded images, the motor  
144 vehicle was being operated in violation of s. 316.075(1)(c). The  
145 ticket must advise the registered owner of the motor vehicle  
146 involved in the violation of the amount of the fine, the date by  
147 which the fine must be paid, and the procedure for contesting  
148 the violation alleged in the ticket. The ticket must contain a  
149 warning that failure to contest the violation in the manner and  
150 time provided is deemed an admission of the liability and that a

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default may be entered thereon. The violation shall be processed by the county or municipality that has jurisdiction over the street or highway where the violation occurred or by any entity authorized by the county or municipality to prepare and mail the ticket.

(e) The ticket shall be sent by first-class mail addressed to the registered owner of the motor vehicle and postmarked no later than 30 days after the date of the violation.

(f)1. The registered owner of the motor vehicle involved in a violation is responsible and liable for payment of the fine assessed pursuant to this section unless the owner can establish that:

a. The motor vehicle passed through the intersection in order to yield right-of-way to an emergency vehicle or as part of a funeral procession;

b. The motor vehicle passed through the intersection at the direction of a law enforcement officer;

c. The motor vehicle was stolen at the time of the alleged violation;

d. A uniform traffic citation was issued to the driver of the motor vehicle for the alleged violation of s. 316.075(1)(c); or

e. A medical emergency.

2. In order to establish any such fact, the registered owner of the vehicle must, within 30 days after receipt of notification of the alleged violation, furnish to the county or municipality, as appropriate, an affidavit that sets forth detailed information supporting an exemption as provided in sub-subparagraph 1.a., sub-subparagraph 1.b., sub-subparagraph 1.c., or sub-subparagraph 1.d. For an exemption under sub-subparagraph 1.c., the affidavit must set forth that the vehicle was stolen and be accompanied by a copy of the police report indicating

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183 that the vehicle was stolen at the time of the alleged  
184 violation. For an exemption under sub-subparagraph 1.d., the  
185 affidavit must set forth that a citation was issued and be  
186 accompanied by a copy of the citation indicating the time of the  
187 alleged violation and the location of the intersection where it  
188 occurred.

189 (g) A person may contest the determination that such  
190 person failed to stop at a traffic control signal steady red  
191 light as evidenced by a traffic infraction detector by electing  
192 to appear before any judge authorized by law to preside over a  
193 court hearing that adjudicates traffic infractions. A person who  
194 elects to appear before the court to present evidence is deemed  
195 to have waived the limitation of civil penalties imposed for the  
196 violation. The court, after hearing, shall determine whether the  
197 violation was committed and may impose a civil penalty not to  
198 exceed \$150 plus costs. The court may take appropriate measures  
199 to enforce the collection of any penalty not paid within the  
200 time permitted by the court.

201 (h) A certificate sworn to or affirmed by a person  
202 authorized under this section who is employed by or under  
203 contract with the county or municipality where the infraction  
204 occurred, or a facsimile thereof that is based upon inspection  
205 of photographs or other recorded images produced by a traffic  
206 infraction detector, is prima facie evidence of the facts  
207 contained in the certificate. A photograph or other recorded  
208 image evidencing a violation of s. 316.075(1)(c) must be  
209 available for inspection in any proceeding to adjudicate  
210 liability under an ordinance enacted pursuant to this section.

211 (i) In any county or municipality in which tickets are  
212 issued as provided in this section, the names of persons who  
213 have one or more outstanding violations may be included on the  
214 list authorized under s. 316.1967(6).

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215           (2) Of the fine imposed pursuant to paragraph (1) (a)  
216 or paragraph (1) (g), one-fifth shall be remitted by the county  
217 or municipality to the county court for distribution as provided  
218 in s. 318.21, one-fifth shall be remitted to the Department of  
219 Revenue for deposit into the Department of Health Administrative  
220 Trust Fund, and three-fifths shall be retained by the county or  
221 municipality enforcing the ordinance enacted pursuant to this  
222 section. Funds deposited into the Department of Health  
223 Administrative Trust Fund under this subsection shall be  
224 distributed as provided in s. 395.4036(1):

225           (3) A complaint that a county or municipality is employing  
226 traffic infraction detectors for purposes other than the  
227 promotion of public health, welfare, and safety or in a manner  
228 inconsistent with this section may be submitted to the governing  
229 body of such county or municipality. Such complaints, along with  
230 any investigation and corrective action taken by the county or  
231 municipal governing body, shall be included in the annual report  
232 to the department and in the department's annual summary report  
233 to the Governor, the President of the Senate, and the Speaker of  
234 the House Representatives, as required by this section. Based on  
235 its review of the report, the Legislature may exclude a county  
236 or municipality from further participation in the program.

237           (4) (a) Each county or municipality that operates a traffic  
238 infraction detector shall submit an annual report to the  
239 department that details the results of using the traffic  
240 infraction detector and the procedures for enforcement.

241           (b) The department shall provide an annual summary report  
242 to the Governor, the President of the Senate, and the Speaker of  
243 the House of Representatives regarding the use and operation of  
244 traffic infraction detectors under this section. The summary  
245 report must include a review of the information submitted to the  
246 department by the counties and municipalities and must describe



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the enhancement of the traffic safety and enforcement programs.  
The department shall report its recommendations, including any  
necessary legislation, on or before December 1, 2010, to the  
Governor, the President of the Senate, and the Speaker of the  
House of Representatives.

Section 4. Subsection (6) of section 316.0745, Florida  
Statutes, is amended to read:

316.0745 Uniform signals and devices.--

(6)(a) Any system of traffic control devices controlled  
and operated from a remote location by electronic computers or  
similar devices must ~~shall~~ meet all requirements established for  
the uniform system, and, if where such a system affects systems  
~~affect~~ the movement of traffic on state roads, the design of the  
system must ~~shall~~ be reviewed and approved by the Department of  
Transportation; however, any such equipment acquired by  
purchase, lease, or other arrangement pursuant to an agreement  
entered into by a county or municipality prior to the effective  
date of this act or equipment used to enforce an ordinance  
enacted by a county or municipality prior to the effective date  
of this act shall not be required to meet the specifications  
established for the uniform system until September 30, 2010.

(b) Any traffic infraction detector deployed on the  
streets and highways of the state must meet the specifications  
established by the Department of Transportation and must be  
tested at regular intervals according to procedures prescribed  
by that department.

Section 5. Section 316.0776, Florida Statutes, is created  
to read:

316.0776 Traffic infraction detectors; placement and  
installation.--Placement and installation of traffic infraction  
detectors is allowed on the State Highway System, county roads,  
and city streets pursuant to specifications developed by the

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Department of Transportation, so long as the safety and operation of the road facility is not impaired.

Section 6. Subsection (6) of section 316.1967, Florida Statutes, is amended to read:

316.1967 Liability for payment of parking ticket violations and other ~~parking~~ violations.--

(6) Any county or municipality may provide by ordinance that the clerk of the court or the traffic violations bureau shall supply the department with a magnetically encoded computer tape reel or cartridge or send by other electronic means data which is machine readable by the installed computer system at the department, listing persons who have three or more outstanding parking violations, including violations of s. 316.1955, or who have one or more outstanding tickets for a violation of a traffic control signal steady red light indication issued pursuant to an ordinance adopted under s. 316.0083. Each county shall provide by ordinance that the clerk of the court or the traffic violations bureau shall supply the department with a magnetically encoded computer tape reel or cartridge or send by other electronic means data that is machine readable by the installed computer system at the department, listing persons who have any outstanding violations of s. 316.1955 or any similar local ordinance that regulates parking in spaces designated for use by persons who have disabilities. The department shall mark the appropriate registration records of persons who are so reported. Section 320.03(8) applies to each person whose name appears on the list.

Section 7. Subsection (1) of section 395.4036, Florida Statutes, is amended to read:

395.4036 Trauma payments.--

(1) Recognizing the Legislature's stated intent to provide financial support to the current verified trauma centers and to

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provide incentives for the establishment of additional trauma centers as part of a system of state-sponsored trauma centers, the department shall use ~~utilize~~ funds collected under ss. 316.0083 and ~~s.~~ 318.18(15) and deposited into the Administrative Trust Fund of the department to ensure the availability and accessibility of trauma and emergency services throughout the state as provided in this subsection.

(a) Funds collected under ss. 316.0083 and 318.18(15) shall be distributed as follows:

1.~~(a)~~ Twenty percent of the total funds collected under s. 316.0083 and 20 percent of the total funds collected under s. 318.18(15) ~~this subsection~~ during the state fiscal year shall be distributed to verified trauma centers that have a local funding contribution as of December 31. Distribution of funds under this paragraph shall be based on trauma caseload volume for the most recent calendar year available.

2.~~(b)~~ Thirty-eight percent of the total funds collected under s. 316.0083 and 40 ~~forty~~ percent of the total funds collected under s. 318.18(15) ~~this subsection~~ shall be distributed to verified trauma centers based on trauma caseload volume for the most recent calendar year available. The determination of caseload volume for distribution of funds under this paragraph shall be based on the department's Trauma Registry data.

3.~~(c)~~ Thirty-eight percent of the total funds collected under s. 316.0083 and 40 ~~forty~~ percent of the total funds collected under s. 318.18(15) ~~this subsection~~ shall be distributed to verified trauma centers based on severity of trauma patients for the most recent calendar year available. The determination of severity for distribution of funds under this paragraph shall be based on the department's International Classification Injury Severity Scores or another statistically

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valid and scientifically accepted method of stratifying a trauma patient's severity of injury, risk of mortality, and resource consumption as adopted by the department by rule, weighted based on the costs associated with and incurred by the trauma center in treating trauma patients. The weighting of scores shall be established by the department by rule.

4. Two percent of the total funds collected under s. 316.0083 shall be distributed to public hospitals that qualify for distributions under s. 409.911(4), that are not verified trauma centers but are located in trauma service areas defined under s. 395.402, and that do not have a verified trauma center based on their proportionate number of emergency room visits on an annual basis. The Agency for Health Care Administration shall provide the department with a list of public hospitals and emergency room visits.

(b) Funds deposited in the department's Administrative Trust Fund for verified trauma centers may be used to maximize the receipt of federal funds that may be available for such trauma centers and nontrauma center public hospitals. Notwithstanding this section and s. 318.14, distributions to trauma centers may be adjusted in a manner to ensure that total payments to trauma centers represent the same proportional allocation as set forth in this section and s. 318.14. For purposes of this section and s. 318.14, total funds distributed to trauma centers may include revenue from the Administrative Trust Fund and federal funds for which revenue from the Administrative Trust Fund is used to meet state or local matching requirements. Funds collected under ss. 318.14, 316.0083, and 318.18(15) and deposited in the Administrative Trust Fund of the department shall be distributed to trauma centers and nontrauma center public hospitals on a quarterly basis using the most recent calendar year data available. Such

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data shall not be used for more than four quarterly distributions unless there are extenuating circumstances as determined by the department, in which case the most recent calendar year data available shall continue to be used and appropriate adjustments shall be made as soon as the more recent data becomes available.

5. Two-percent of the total funds collected under s. 318.18(15), shall be distributed to provide an enhanced Medicaid payment to nursing homes that serve residents with brain and spinal cord injuries who are Medicaid recipients.

Section 8. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 9. This act shall take effect upon becoming a law.